

1 THE HONORABLE BARBARA J. ROTHSTEIN
2
3
4
5
6

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MARK GLINOGA, JAMES SMITH, JENNIFER STEPHENS, CHARLES POPP, RUDOLPH WINN, STEPHANIE MILLER, KARLA WILLIAMS, and CHRIS JARVIS on behalf of themselves and a class of all others similarly situated,

Plaintiffs,

v.

T-MOBILE USA, INC.,

Defendant.

No. 2:21-cv-01245-BJR

**STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS PENDING
JPML'S RULING ON TRANSFER**

STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS
(No. 2:21-cv-01245-BJR) - 1

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 Under Western District of Washington Local Rules 7(d)(1) and 10(g), Plaintiffs Mark
2 Glinoga, James Smith, Jennifer Stephens, Charles Popp, Rudolph Winn, Stephanie Miller, Karla
3 Williams, and Chris Jarvis, and Defendant T-Mobile USA, Inc. (together “the Parties”), hereby
4 stipulate to stay all proceedings and deadlines in this action until the Judicial Panel on Multidistrict
5 Litigation (“JPML”) rules on the pending motion to transfer under 28 U.S.C. § 1407 (“MDL
6 Petition”). *See In re: T-Mobile Customer Data Sec. Breach Litig.* (“*In re: T-Mobile*”), MDL No.
7 3019 (ECF No. 1). In support of this stipulated motion, the Parties state:

8 Plaintiffs filed this case on September 13, 2021. *See* ECF No. 1. In a related case, this
9 Court recently granted T-Mobile’s motion requesting a stay pending the JPML’s ruling on the
10 MDL Petition, finding:

11 Any delay arising from a stay is likely to be short, and Plaintiffs
12 have not demonstrated that any significant prejudice would result
13 from a short stay. A stay is also likely to conserve judicial resources,
14 as well as the parties’ resources, until the JPML decides whether
15 (and if so, where) to transfer the dozens of similar cases for
16 coordinated or consolidated pretrial proceedings.

17 *Daruwalla v. T-Mobile USA, Inc.*, No. 2:21-cv-01118-BJR (W.D. Wash. Oct. 29, 2021) (ECF No.
18 39). The Parties therefore respectfully request that the Court enter a short stay of all proceedings
19 here, including the deadlines for responding to the complaint, filing any motion to dismiss or
20 moving to compel arbitration, until the JPML rules on the MDL Petition.

21
22
23
24 STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS
(No. 2:21-cv-01245-BJR) - 2

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 Dated: December 1, 2021

2 By: /s/ Steve Y. Koh

3 Steve Y. Koh, WSBA No. 23284
Kathleen M. O'Sullivan, WSBA No. 27850
Lauren J. Tsuji, WSBA No. 55839
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000
E-mail: SKoh@perkinscoie.com
KOSullivan@perkinscoie.com
LTsuji@perkinscoie.com

4

5 Kristine McAlister Brown (*pro hac vice*)

6 **ALSTON & BIRD LLP**
1201 West Peachtree Street
Atlanta, GA 30309
Telephone: (404) 881-7000
Facsimile: (404) 881-7777
E-mail: kristy.brown@alston.com

7

8 *Attorneys for Defendant T-Mobile USA, Inc.*

9 By: /s/ Kim D. Stephens

10 Kim D. Stephens, P.S., WSBA #11984
Jason T. Dennett, WSBA #30686
Kaleigh N. Powell, WSBA #52684
TOUSLEY BRAIN STEPHENS PLLC
1200 Fifth Avenue, Suite 1700
Seattle, WA 98101
Telephone: (206) 682-5600
Facsimile: (206) 682-2992
E-mail: jdennett@tousley.com
kstephens@tousley.com
kpowell@tousley.com

11 Mark S. Reich

12 Courtney E. Maccarone
LEVI & KORSINSKY, LLP
55 Broadway, 10th Floor
New York, NY 10006
Telephone: (212) 363-7500
Email: mreich@zlk.com
cmaccarone@zlk.com

13 *Attorneys for Plaintiffs*

14

15

16

17

18

19

20

21

22

23

24

STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS
(No. 2:21-cv-01245-BJR) - 3

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

ORDER

IT IS SO ORDERED.

Dated this 2nd day of December, 2021.

s/Barbara J. Rothstein

Barbara J. Rothstein
U.S. District Court Judge

Presented by:

Steve Y. Koh, WSBA No. 23284
Kathleen M. O'Sullivan, WSBA No. 27850
Lauren J. Tsuji, WSBA No. 55839
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000
E-mail: SKoh@perkinscoie.com
KOSullivan@perkinscoie.com
LTsuji@perkinscoie.com

Kristine McAlister Brown (*pro hac vice*)
ALSTON & BIRD LLP
1201 West Peachtree Street
Atlanta, GA 30309
Telephone: (404) 881-7000
Facsimile: (404) 881-7777
E-Mail: kristy.brown@alston.com

Attorneys for Defendant T-Mobile USA, Inc.

**STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS
(No. 2:21-cv-01245-BJR) - 4**

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000
2/02/2018 Page 4 of 4